

COMMONWEALTH OF PENNSYLVANIA  
DEPARTMENT OF LABOR AND INDUSTRY  
BUREAU OF UC BENEFITS AND  
ALLOWANCES

## NOTICE OF DETERMINATION

The final day to appeal this determination is  
October 04, 2002

SSN: 192-52-3437  
Type Claim: UC  
AB Date: September 1, 2002  
Mailed On: September 19, 2002  
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### CLAIMANT:

JAMES C SHERROD  
917 E 33RD ST  
ERIE PA 16504-1815

### EMPLOYER:

BOOKER T WASHINGTON CNTR  
1720 HOLLAND ST  
ERIE PA 16503-1808

### FINDINGS OF FACT

1. The Claimant was last employed on August 12, 2002
2. The Claimant's job title was Executive Director
3. The Claimant was discharged as the result of unsatisfactory work performance
4. The Claimant was not working on a probationary period basis.
5. The Employer did not provide firsthand information showing that the Claimant's work performance was unsatisfactory.
6. The Claimant's work performance was not unsatisfactory

### DISCUSSION

In situations where the Claimant is discharged for unsatisfactory work performance, the burden of proof is on the Employer to show that the Claimant had been warned about the unsatisfactory work performance and was not working to the best of his ability. In order to qualify for benefits once this is established, the burden shifts to the Claimant to show good cause for the unsatisfactory work performance. In this case, the Claimant denied that his work performance was unsatisfactory. In addition, the Employer did not provide firsthand information showing that the Claimant's work performance was unsatisfactory. As such, the Employer has not sustained its burden of proof and benefits must be allowed under Section 402(e).

### DETERMINATION

The Claimant is eligible for benefits under Section 402(e) of the Pennsylvania Unemployment Compensation Law beginning with waiting week ending September 7, 2002. In addition, the following compensable week(s) are eligible: 09/14/2002.

UC Representative: *msf*

### APPEAL INSTRUCTIONS

The last day to appeal this determination is: October 04, 2002

Under Section 501(e) of the Pennsylvania Unemployment Compensation Law, this determination becomes final unless an appeal is timely filed. If you disagree with this determination and wish to file an appeal, your appeal must be filed on or before the last day to appeal shown on this determination.

There are three ways to file an appeal: by mail or by FAX to a UC Service Center, or in person at any CareerLink office. Regardless of the method you choose, your request for appeal must include the claimant's name and Social Security Number, a statement specifically requesting an appeal from this determination, the reason for filing the appeal, and your signature.

The last day to appeal this determination is: **October 04, 2002**

If you disagree with this determination, you may appeal. If you want to file an appeal, you must do so on or before the date shown above. Information for filing an appeal is included in this determination.

CLAIMANT: JAMES C SHERROD  
 EMPLOYER: BOOKER T WASHINGTON CNTR

SSN: 192-52-3437  
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- If you wish to file your appeal by mail, your appeal must be postmarked by the U.S. Postal Service on or before the last day to appeal shown on this determination. Please complete Section 1 of the enclosed Petition for Appeal form and return to the following address, or send a letter of appeal to:

**Erie UC Service Center**  
 1316 State Street  
 Erie PA 16501

- If you wish to file your appeal by FAX, your faxed appeal must be received by the close of business on the last day to appeal shown on this determination. Please complete Section 1 of the enclosed Petition for Appeal or FAX a letter of appeal to: **814-871-4863**
- If you wish to file your appeal in person, you may do so at the nearest CareerLink office during normal business hours on or before the last day to appeal shown on this determination. NOTE: Appeals can not be filed in-person at UC Service Centers.

If you file an appeal, you must continue to file your claims as directed by the UC Service Center

**PROVISIONS OF THE PENNSYLVANIA UNEMPLOYMENT COMPENSATION LAW**

Section 402(e) of the Law provides, in part, that a Claimant shall be ineligible to receive benefits for any week in which his unemployment is due to suspension or discharge for willful misconduct connected with his work

THE EXPLANATION OF THE PENNSYLVANIA UNEMPLOYMENT COMPENSATION LAW PROVISIONS IS PROVIDED FOR INFORMATION ONLY. FOR FURTHER EXPLANATION OF THIS DETERMINATION, CONTACT THE PENNSYLVANIA UC SERVICE CENTER INDICATED IN THE APPEAL INSTRUCTIONS

**CONTRIBUTING BASE YEAR EMPLOYER:** This is not a determination on relief from charges. However, this determination may affect a request for relief from charges.

- An appeal to a Claimant's eligibility and a request for relief from charges **MUST BE FILED SEPARATELY**
- For procedures and time limits for requesting relief from charges, see Form UC-44FR previously sent to you with the Claimant's Notice of Financial Determination or contact the Employers' Charge Section, 7th Floor, Labor & Industry Building, 7th & Forster Streets, Harrisburg, PA 17121.

**A REQUEST FOR RELIEF FROM CHARGES, WHETHER GRANTED OR NOT, WILL HAVE NO EFFECT ON THIS DETERMINATION.**

The last day to appeal this determination is: **October 04, 2002**

If you disagree with this determination, you may appeal. If you want to file an appeal, you must do so on or before the date shown above. Information for filing an appeal is included in this determination.